

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

**WHEREAS**, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

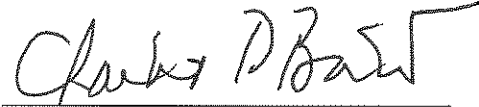
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive, flowing style. The first name "Charles" is written in a larger, more prominent script, followed by "D." and "Baker". The signature is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Clean Energy Future Committee Meeting Minutes**

*Draft – for approval at the 5-22-2020 meeting*

April 24, 2020

8:00 – 9:30 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ryan Katofsky, Ken Pruitt, Dave Levy, Marc Breslow, Emily Sullivan, Coralie Cooper, Shelly Dein, Dan Amstutz, Adam Chapdelaine.

Members not present: Dan Dunn, Nellie Aikenhead, Pasi Miettinen.

The meeting convened at 8:06 a.m.

### **Video Meeting Procedures**

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

### **Meeting Minutes**

Ms. Cooper made two edits to the Minutes as well as Mr. Katofsky noted a name change. Mr. Katofsky motioned to approve the Minutes. Mr. Breslow seconded the motion. A roll call vote was held to approve the Minutes from 03/27/2020. The Committee unanimously approved the Minutes.

### **Agenda Item 1: Volunteers Sought for Zoning and Permitting Working Group**

Mr. Pruitt noted that while the Committee is almost done reviewing the list of MAPC-suggested items for inclusion in the Net Zero Plan, MAPC is also proposing a list of zoning and permitting measures that could be beneficial for this effort. Mr. Pruitt noted that to review this list, a working group of two members each from the CEFC and the Arlington Redevelopment Board was being formed. The CEFC-ARB working group is expected to complete its review by May 15 so that the list of revised measures could then go to the full CEFC. Mr. Levy and Ms. Cooper volunteered to participate on the working group from the CEFC.

### **Agenda Item 2: Clean Energy Supply GHG Mitigation Measures**

Mr. Pruitt then turned to a list of Clean Energy Supply GHG mitigation measures suggested by MAPC for potential inclusion in Net Zero plans. The CEFC reviewed six measures.

Action Item 1 recommends that the Town increase the default percentage of carbon-free electricity in the Community Choice Aggregation (CCA) program's default to 100% by 2030. It also calls for an annual campaign to encourage residents to voluntarily opt-up to the 100% level until that goal is reached. This measure is specifically written to be "carbon-free" by 2030 noting that hydro and nuclear are carbon-free but not considered "renewable."

Mr. Katofsky argued that "until that goal is reached" should be removed because the CCA renewable content level does not include nuclear or hydro, and encouraging residents to opt-up to the CCA 100% renewable level would help maintain strong demand for renewable power. Mr. Katofsky also suggested that by 2030, the CCA 50% renewable product could be unnecessary given the renewable generation coming online in New England between now and 2030. Mr. Katofsky also noted that we need to be mindful of the cost implications of increasing the renewable default level, especially during an economic downturn. Mr. Pruitt noted that Arlington could petition the Department of Public Utilities for inclusion of a rate reduction mechanism in Arlington's CCA program that would prevent rate increases for low income customers. He suggested this greenhouse gas reduction measure should include language calling for monitoring of cost impacts on low-income ratepayers.

Mr. Breslow noted he did not want to have nuclear power count toward this 100% carbon-free goal, and noted that this perhaps could make the 100% goal unviable. Mr. Pruitt noted the drawbacks to nuclear power, but noted eliminating nuclear from this measure would likely exacerbate cost concerns.

Mr. Katofsky noted the expectation is most nuclear power plants will retire by 2040, noting that by 2050 the goal will be achieved in long term. Mr. Amstutz noted he'd like more background on the proposal to get a sense of the debate on nuclear and asked what a Class I REC is. Mr. Katofsky noted that the Class 1 REC is a statutory obligation for utilities in Massachusetts to procure a certain amount of generation from a specific class of renewable energy resources. It represents the types of renewables the Commonwealth is trying to procure to be considered renewable generation. When the town requires renewable generation to be bought for the CCA, the same standards are required for renewable generation to be counted as part of electricity supply.

Ms. Dein noted that large hydro is not included as Class I and wind and solar outside of New England are not considered Mass Class 1 RECs unless there is a path for that power to be delivered. Mr. Katofsky noted there are two nuclear plants operating in New England. There are no nuclear plants planned for construction in New England. They currently have operating licenses that expire in the 2040s.

Mr. Pruitt noted that nuclear has major benefits in terms of baseload power but noted there is a danger of a nuclear accident and there is no existing location for nuclear waste disposal. Ms. Dein noted that the practical ramifications would be if nuclear supplied 25% of the power, the CCA would purchase 75% Class I RECs and then would stop. Mr. Katofsky clarified that the RPS is currently 16%, so by 2030 it would be at

36%. If we did nothing by 2030, we would be at 47%. By enacting this, we would be at 75%.

Mr. Pruitt said that when the plan is written, specific definitions of renewable energy could be written in the plan with more detail. Mr. Katofsky noted that the original intent of this measure was to be fossil fuel free as an energy plan option. Mr. Pruitt said this was the first draft of this measure and asked if there was any objection in moving to the next measure. The Committee supported this measure but would like additional discussion before it is finalized in the Net Zero Plan.

Regarding Action Number 2: Investigate the feasibility of developing a low-income community shared solar program, Ms. Cooper noted her support for this measure, and pointed out that this measure more directly supported construction of solar installations more than the above CCA measure. Mr. Levy noted that there are many private market entities examining how to bring solar to low income customers, so this may get solved on its own. Ms. Dein noted that Newton offers a low income option in its CCA program. Ms. Dein also noted the SMART program is offering solutions (or trying to) to target these customers. Mr. Pruitt asked for any objections to including the action item and including the language "with emphasis of low income rate payers." The Committee supported this measure.

The Committee next discussed Action Item Number 3: Support state legislation and policies that decarbonize the region's electricity supply, and promote decarbonization incentives specifically for low- to moderate-income residents. The Committee supported this measure.

Regarding Action Item Number 4: Partnering with utilities and others to promote pilot programs to help customers transition away from natural gas by creating district geothermal heating and cooling systems. Mr. Pruitt said that this, at scale, could benefit many buildings, such as buildings on Mass Ave in Arlington. The Committee noted the uncertainty of this effort at such an early stage of its development, but supported promoting pilot projects where feasible practically and affordably. Mr. Pruitt noted Eversource and National Grid are exploring such pilots currently. Ms. Dein noted that a developer in Boston is examining this for a project in Boston. Mr. Katofsky said that he thinks one of the two utilities has money in its rate plan to examine a pilot project but he is unsure of which utility. The Committee supported this measure.

Regarding Action Item Number 5: Put pressure on regulators and utilities to greatly accelerate the repair of gas leaks, the Committee supported this measure.

The committee next discussed Action Item Number 6: Transitioning the Town's Municipal Energy Supply Contract to be 100% carbon-free by 2030. The Town's current municipal electricity supply contract started in December 2019 and expires in 2023. This measure would have the Town match the commitment in Action Item 1 to increase the carbon-free content of the CCA program default to be 100% by 2030.

Mr. Katofsky wondered if the town should simply have the Town join the CCA but noted there may be advantages for the Town to procure separately with its own supply

contract. The Committee supported this measure with the addition of language calling for the examination of costs vs. benefits of joining the CCA vs. having separate municipal supply contracts, and that the Town will consider costs when deciding whether this measure should call for 100% “carbon-free” vs. 100% “renewable” power, given controversy over nuclear power (the same concern voiced regarding Action Item 1).

### **Additional Discussion**

Ms. Cooper asked if the Town was thinking about the Stimulus Package and if the Town was thinking about “shovel ready projects.” Mr. Amstutz noted there is a group within the Town examining such projects and MAPC is trying to coordinate these projects as well throughout the various towns in the Commonwealth. Mr. Katofsky noted that the Department of Energy Resources issued recent orders in the SMART program that could really help make municipal projects more viable.

Mr. Katofsky asked about how energy efficiency work could progress during the coronavirus pandemic. He noted that work in schools and other vacant buildings for efficiency upgrades could be a great effort to get people back to work. Mr. Levy supported this concept.

Ms. Cooper motioned to end the meeting. Mr. Levy seconded. A roll call was taken to approve the motion to end the meeting. The Committee voted unanimously to approve the motion.

The Meeting ended at 9:35am. The next meeting will occur on May 22, 2020.

Submitted by Dave Levy.

Zoning and Permitting Measures			FEASIBILITY	
Action Number	Action Description	Type	Example	Source Link
1	Require all new construction requiring a Special Permit (which by definition only includes commercial buildings and residential buildings with at least six units) to include solar PV and/or solar thermal on a minimum of 50 percent of roof area. Allow for variances if solar is infeasible on a building.			
2	Provide training opportunities for Town departments, boards and committees, as well as developers, on LEED, Net Zero, Passive House and other high performance standards, HERS ratings, life safety benefits of Net Zero buildings, and energy modelling. Additionally, provide guidance to developers on permitting for Net Zero buildings.			
3	Require licensing for rental units (assuming the Town has, or could have, the authority for this) and include energy efficiency requirements for ongoing compliance. This measure helps to address existing buildings and should be paired with protections for renters.		Somerville; Boulder, CO	<a href="https://bouldercolorado.gov/plan-develop/rental-housing-licensing">https://bouldercolorado.gov/plan-develop/rental-housing-licensing</a>
4	Allow reductions of height, setback and density requirements by Variance or Special Permit for energy efficiency and renewable energy retrofits to existing buildings including (but not limited to): insulation, solar PV, solar thermal, living roofs, other eco-roofs, energy storage, and air-source heat pump equipment. Such reductions must not be significantly detrimental to abutters.			
5	Allow, via Special Permit, full building foundation replacements and small building footprint enlargements as long as the resulting construction meets Net Zero or Passive House standards.			
6	Consider establishing a Chapter 40R Smart Growth Zoning Overlay District (which allows for potential state reimbursement for costs associated with additional school children under Chapter 40S) to allow for dense residential or mixed-use development. Include design guidelines that promote buildings that meet Zero Energy, Passive House or other measures consistent with this Net Zero Plan.			

Zoning and Permitting Measures			FEASIBILITY	
Action Number	Action Description	Type	Example	Source Link
7	Require all new apartment buildings to install a minimum of one electric vehicle charging station per five parking spaces (or fraction thereof).			
8	Adopt, via MGL c40A section 9B, exemptions from setback, building height, and roof and lot coverage restrictions for solar PV and solar thermal systems; and 2) consider adopting some or all solar access protections enumerated in the second paragraph of that law.			
9	Review whether there are unnecessary barriers to energy efficiency and renewable energy technologies in Historic Districts, and if so, what changes to the Historic District Commissions Design Guidelines could remove those barriers.			
10	Promote the planting of trees on private property within 20 feet of the sidewalk through Town programs that provide trees at no charge. Existing programs such as the Trees Please Fund administered by the DPW should be reviewed to determine whether enhancements could increase participation.			
11	Promote and, where possible, incentivize the installation of parking canopy solar arrays on private parking lots.			